IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 123 OF 2006

Vishwas S. Mohite .. Petitioner

V/s

Municipal Corporation of Greater Mumbai & Ors. .. Respondents

Mr.Virendra V. Tulzapurkar i/b Kishore Thakordas & Co. for the Petitioner.

Ms.P.A. Purandare for the Respondents.

CORAM : H.L. GOKHALE & ABHAY S. OKA, JJ.

DATE : 27TH JANUARY 2006

P.C. :

1. Heard Mr.Tulzapurkar in support of this petition. Ms.Purandare appears for the Respondents.

2. A grievance is made with respect to clause 9(f) of the Tender Document. It is submitted that it is the responsibility of the contractor to supply the compactor of the type required. The actual lifting of garbage will depend upon the refuse brought by the municipal employees. It is therefore submitted that the deduction of the proportionate payment in the event of shortfall in collection is not justified. A clarification was therefore sought from the Municipal Corporation. The clarificatory addendum has been supplied by the

Corporation. In clause 16, it has been stated that if it is found that even after attending all the points the weight of the refuse transported is less than 6 tons, then the route will be changed. In our opinion, in view of this clarification, all that the contractor is required to do is to bring to the notice of the authorities of the Municipal Corporation that the refuse collected in the particular area is less, in which case the responsibility will not be of the contractor and the route will be changed. We do not deem fit to interfere in the matter. Petition is dismissed.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)